

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA

TREVON D. GAINES, )  
Plaintiff, )  
v. ) Case No. CIV-23-1057-J  
MRS. SPITNER, et al., )  
Defendants. )

## **ORDER**

Plaintiff, a prisoner appearing pro se, brings this action pursuant to 42 U.S.C. § 1983. The matter was referred to United States Magistrate Judge Shon T. Erwin for initial proceedings consistent with 28 U.S.C. § 636. [Doc. No. 6]. On January 12, 2024, Judge Erwin issued a Report and Recommendation recommending that this case be dismissed without prejudice for Plaintiff's failure to comply with the Court's orders. [Doc. No. 9]. Plaintiff was advised of his right to object to the Report and Recommendation by January 29, 2024. No objection has been filed. Plaintiff has therefore waived any right to appellate review of the factual and legal issues in the Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 9] and DISMISSES this case without prejudice based on Plaintiff's failure to comply with the Court's orders.

IT IS SO ORDERED this 5<sup>th</sup> day of February, 2024.

Bernard M. Jones  
BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE